

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

JAMES CARLTON,	:	
	:	NO. 1:08-CV-00454
Plaintiff,	:	
	:	
v.	:	
	:	<b>OPINION AND ORDER</b>
	:	
STEVE CHABOT, et al.,	:	
	:	
Defendants.	:	

This matter is before the Court on the Magistrate Judge's Report and Recommendation (doc. 4). In light of the Plaintiff's failure to effect timely service of process of the summons and complaint, and failure to respond to the Court's show cause order, the Magistrate Judge recommended that Plaintiff's complaint be dismissed (Id.).

The Parties were served with the Report and Recommendation and were therefore afforded proper notice of the Magistrate Judge's Report and Recommendation required by 28 U.S.C. § 636(b)(1)(C), including that failure to file timely objections to the Report and Recommendation would result in a waiver of further appeal. See United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981). Neither Party filed any objections thereto within the ten days provided for by Fed. R. Civ. P. 72(b) and 28 U.S.C. § 636(b)(1)(C).

Having reviewed this matter de novo pursuant to 28 U.S.C. §636(b), the Court ADOPTS the Magistrate Judge's Report and

Recommendation in its entirety (doc. 4), and DISMISSES Plaintiff's complaint for failure of service of process.

SO ORDERED.

Dated: May 19, 2009

/s/ S. Arthur Spiegel  
S. Arthur Spiegel  
United States Senior District Judge